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In re Application of:	:	
Nathan P. Monty	:	DECISION ON PETITION TO
Serial No.: 10/692,860	:	MAKE SPECIAL
Filed: October 27, 2003	:	
For: WAVEGUIDE LASER	:	

This is a decision on the petition under 37 C.F.R. § 1.102, filed October 27, 2003, to make the above-identified application special.

The petition requests that the above-identified application be made special under the accelerated examination procedure set forth in the Manual of Patent Examining Procedure (M.P.E.P.), Section 708.02, Item V: Environment.

A grantable petition to make an application special under 37 C.F.R. § 1.102 and in accordance with M.P.E.P. § 708.02, Section V, for an invention which materially enhances the quality of the environment of mankind by contributing to the restoration or maintenance of the basic life-sustaining elements - air water and soil, must be accompanied by affidavits or declarations under 37 C.F.R. § 1.102 by the applicant or his/her attorney or agent explaining how the invention contributes to the maintenance or restoration of one of these life sustaining elements.


A statement by Gary D. Yacura, a registered attorney, indicates that the claimed invention is related to the industrial printing, etching and marking industry. The invention uses laser instead of ink and paint historically used as primary means of labeling products and every year about two billion pounds of ink, mostly petroleum based, are used by the industry. It is stated that the "Exemplary embodiments of the present invention vastly improve and simplify the existing costly methodology for manufacturing lasers for the printing industry. Thus having extremely positive impact on the environment by allowing the printing industry to have a cost effective and environmentally clean alternative for their printing applications." The showing that the application materially enhances the quality of the environment of mankind is inadequate to qualify the application for special status because, even though the invention has some positive impact on the environment, it does not rise to the level intended by the rule. Specifically, it is apparent that laser printing causes less harm to the environment than ink and paint printing in term of the consumption of ink, paint and related cleaning solutions. The

petition emphasizes that the claimed invention(s) results in lowering the cost of manufacturing lasers for the printing industry without supporting evidence. Further, there is no evidence to suggest that the claim invention(s) allows the printing industry to have a cost effective and environmentally clean alternative for their printing applications that are different from and better than the laser printers already in use. As such, the petition does not include adequate showing to establish that the invention(s) contributes to the maintenance or restoration of the environment.

For the above stated reasons, the petition is DENIED.

Should applicant desire reconsideration of this decision, he/she should supplement this petition with evidence to support the assertion that the claimed invention(s) contributes to the maintenance or restoration of one of the life sustaining elements.

Any request for reconsideration must be filed within TWO MONTHS of the date of this decision.



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